

**REPORT OF THE AUDIT OF THE
MAGOFFIN COUNTY
CLERK**

**For The Year Ended
December 31, 2008**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE MAGOFFIN COUNTY CLERK

**For The Year Ended
December 31, 2008**

The Auditor of Public Accounts has completed the Magoffin County Clerk's audit for the year ended December 31, 2008. Based upon the audit work performed, the financial statement presents fairly in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees decreased by \$18,081 from the prior year, resulting in excess fees of \$44,093 as of December 31, 2008. Revenues increased by \$206,276 from the prior year and expenditures increased by \$224,357.

Report Comment:

- The County Clerk's Office Should Strengthen Internal Controls

Deposits:

The County Clerk's deposits were insured and collateralized by bank securities.

CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT	1
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS	3
NOTES TO FINANCIAL STATEMENT	6
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS	11
COMMENT AND RECOMMENDATION	15



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Charles E. Hardin, Magoffin County Judge/Executive
The Honorable Renee Arnett Shepherd, Magoffin County Clerk
Members of the Magoffin County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the County Clerk of Magoffin County, Kentucky, for the year ended December 31, 2008. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the County Clerk for the year ended December 31, 2008, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated August 11, 2009 on our consideration of the Magoffin County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Charles E. Hardin, Magoffin County Judge/Executive
The Honorable Renee Arnett Shepherd, Magoffin County Clerk
Members of the Magoffin County Fiscal Court

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The County Clerk's Office Should Strengthen Internal Controls

This report is intended solely for the information and use of the County Clerk and Fiscal Court of Magoffin County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a stylized, flowing script.

Crit Luallen
Auditor of Public Accounts

August 11, 2009

MAGOFFIN COUNTY
 RENEE ARNETT SHEPHERD, COUNTY CLERK
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2008

Revenues

HB 537 - Revenue Supplement	\$	60,610
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State Fees For Services		24,818
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Fiscal Court		15,011
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Licenses and Taxes:

Motor Vehicle-

Licenses and Transfers	\$	551,809
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Usage Tax		373,799
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Tangible Personal Property Tax		870,348
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Other-

Marriage Licenses		4,509
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Beer and Liquor Licenses		2,100
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Notary Fees		1,330
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Deed Transfer Tax		7,623
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Delinquent Tax	168,029	1,979,547
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Fees Collected for Services:

Recordings-

Deeds, Easements, and Contracts		7,780
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Real Estate Mortgages		5,999
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Chattel Mortgages and Financing Statements		30,410
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Powers of Attorney		1,063
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All Other Recordings		44,377
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Charges for Other Services-

Candidate Filing Fees		880
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Copywork	2,530	93,039
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Other:

Postage		73
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Interest Earned	150	223
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Total Revenues		2,173,248
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The accompanying notes are an integral part of this financial statement.

MAGOFFIN COUNTY
 RENEE ARNETT SHEPHERD, COUNTY CLERK
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2008
 (Continued)

Expenditures

Payments to State:

Motor Vehicle-

Licenses and Transfers	\$ 431,406	
Usage Tax	362,831	
Tangible Personal Property Tax	309,087	

Licenses, Taxes, and Fees-

Delinquent Tax	17,929	
Legal Process Tax	12,670	
Affordable Housing Trust	15,078	\$ 1,149,001

Payments to Fiscal Court:

Tangible Personal Property Tax	98,618	
Delinquent Tax	34,180	
Deed Transfer Tax	7,309	
Occupational Licenses	1,636	
Beer and Liquor Licenses	1,568	143,311

Payments to Other Districts:

Tangible Personal Property Tax	427,107	
Delinquent Tax	67,791	494,898

Payments to Sheriff

1,858

Payments to County Attorney

19,900

Operating Expenditures and Capital Outlay:

Personnel Services-

Deputies' Salaries	109,237	
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Employee Benefits-

Employer's Share Social Security	13,335	
Employer's Share Retirement	21,127	
Employer's Paid Health Insurance	11,876	155,575

The accompanying notes are an integral part of this financial statement.

MAGOFFIN COUNTY
 RENEE ARNETT SHEPHERD, COUNTY CLERK
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2008
 (Continued)

Expenditures (Continued)

Operating Expenditures and Capital Outlay: (Continued)

Contracted Services-			
Fish and Game	\$	4,560	
Advertising		19,491	
Printing and Binding		7,848	
Materials and Supplies-			
Office Supplies		7,390	
Other Charges-			
Conventions and Travel		1,661	
Dues		420	
Postage		5,105	
Miscellaneous		8,946	
Refunds		10,180	
Capital Outlay-			
Office Equipment		<u>11,687</u>	\$ 77,288
Debt Service:			
Lease Purchases			<u>11,466</u>
Total Expenditures			<u>\$ 2,053,297</u>
Net Revenues			119,951
Less: Statutory Maximum			<u>70,496</u>
Excess Fees			49,455
Less: Expense Allowance		3,600	
Training Incentive Benefit		<u>1,762</u>	<u>5,362</u>
Excess Fees Due County for 2008			44,093
Payment to Fiscal Court - March 12, 2009			<u>20,132</u>
Balance Due Fiscal Court			<u><u>\$ 23,961</u></u>

The accompanying notes are an integral part of this financial statement.

MAGOFFIN COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2008

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Clerk as determined by the audit. KRS 64.152 requires the County Clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2008 services
- Reimbursements for 2008 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2008

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

MAGOFFIN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2008
(Continued)

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer, defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members.

Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 16.17 percent for the first six months and 13.50 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Magoffin County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The Magoffin County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2008, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

MAGOFFIN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2008
(Continued)

Note 4. Grant

The Magoffin County Clerk received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$19,799. Interest of \$8 was received and funds totaling \$0 were expended during the year. The unexpended grant balance was \$19,807 as of December 31, 2008.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Charles E. Hardin, Magoffin County Judge/Executive
The Honorable Renee Arnett Shepherd, Magoffin County Clerk
Members of the Magoffin County Fiscal Court

Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Magoffin County Clerk for the year ended December 31, 2008, and have issued our report thereon dated August 11, 2009. The County Clerk's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Magoffin County Clerk's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the County Clerk's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the County Clerk's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the regulatory basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comment and recommendation to be a significant deficiency in internal control over financial reporting.

- The County Clerk's Office Should Strengthen Internal Controls



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Magoffin County Clerk's financial statement for the year ended December 31, 2008, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

The Magoffin County Clerk's responses to the finding identified in our audit are included in the accompanying comment and recommendation. We did not audit the County Clerk's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, the Magoffin County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen
Auditor of Public Accounts

August 11, 2009

COMMENT AND RECOMMENDATION

MAGOFFIN COUNTY
RENEE ARNETT SHEPHERD, COUNTY CLERK
COMMENT AND RECOMMENDATION

For The Year Ended December 31, 2008

INTERNAL CONTROL - MATERIAL WEAKNESSES:

The County Clerk's Office Should Strengthen Internal Controls

The County Clerk collects cash, prepares daily checkout sheets and deposit tickets, posts all transactions to both the receipts and disbursements ledgers, reconciles the bank account and prepares all financial reporting. Auditors found instances where the Clerk did not include all receipts on the daily checkout sheet. These amounts were usually for payments received from the fiscal court or state. These amounts were not recorded on the monthly receipts ledger but were recorded on the annual receipts ledger. Had properly designed internal controls procedures been implemented, these errors to the financial statements would not have been made or would have been detected. The Clerk should implement the following control procedures:

- The Clerk should ensure that the daily checkout sheet, deposit ticket, and receipts ledger agree each business day. At the end of each business day the total receipts collected should be reconciled to the daily checkout sheet and any differences should be noted on the checkout sheet. In addition, all receipts should be included on the daily checkout.
- The Clerk should reconcile the receipts and disbursements ledger to the bank on a monthly basis. The Clerk's reconciliation should ensure the cash balance in the bank is adjusted for reconciling items and the ending cash balance should agree to the cash balance per the books for the month being reconciled.
- An independent person of all accounting functions should review the Clerk's bank reconciliation for accuracy. The person performing the review should trace deposits in transit and outstanding checks to the next month's bank statement to ensure the reconciling items are correct. The person performing this review should initial the reconciliation to document that these procedures have been performed. In addition, an independent person should agree the daily checkout sheet, bank deposit, and receipts ledger to each other. The person performing this review should initial these documents that these procedures have been performed.

We recommend the Clerk implement the above procedures to reduce the risk of fraud or misstatement and to ensure errors are detected in a timely manner.

County Clerk's Response: Will correct immediately.

